**SUBJECT:** Amended Application for a Change in Zoning for Lands Known as 1809 Rymal Road East (Stoney Creek) (PED06006) (Ward 9)

**RECOMMENDATION:**

That approval be given to **Amended Zoning Application ZAC-05-64, Frendel Kitchens Ltd., Antun Deltin, owner**, for an amendment to the Zoning By-law for the former City of Stoney Creek, to change the zoning from the Neighbourhood Development “ND” Zone, to the Service Commercial (Holding) “CS-1(H)” Zone, in order to permit a showroom, warehouse and retail area for kitchens and kitchen related products and accessories, appliance store, electronics store, commercial entertainment centre, including such uses as an arcade, bowling alley, laser tag and mini putt all within an enclosed building, a dance studio, paint store and a carpet and floor finishes store on the lands known as 1809 Rymal Road East, as shown on Appendix “A” to Report PED06006, on the following basis:

(a) That the zoning be changed from the Neighbourhood Development “ND” Zone to the Service Commercial (Holding) “CS-1(H)” Zone.

(b) That the draft By-law, attached as Appendix "B" to Report PED06006, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(c) That the Holding ‘H’ symbol not be removed until such time as the applicant/owner has completed an archaeological study, to the satisfaction of the Ministry of Culture and the City.

(d) That the amending By-law be added to Schedule “A”, Map No. 15, of Zoning By-law No. 3692-92.
(e) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Stoney Creek Official Plan.

(f) That upon satisfying the condition of the ‘H’ symbol and submitting the required fee, the Director of Development and Real Estate be authorized and directed to give the prescribed notice in accordance with the provisions of the Planning Act, and to prepare a By-law, in a form satisfactory to Corporate Counsel, to remove the ‘H’ symbol for presentation to City Council.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of the application is to change the zoning of the lands, known municipally as 1809 Rymal Road East, (see Appendix “A”), in order to permit additional service commercial uses on the land. The removal of the Holding ‘H’ symbol requires the completion of an archaeological study to be completed by the applicant.

The proposal has merit and can be supported since the change in zoning is consistent with the Provincial Policy Statement, and it conforms with the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan. The proposal is considered to be compatible with the surrounding neighbourhood.

**BACKGROUND:**

**Proposal**

The applicant has applied to change the zoning of the subject lands (see Appendix “A”) from the Neighbourhood Development “ND” Zone, to the Service Commercial (Holding) “CS-1 (H)” Zone.

The Holding ‘H’ symbol was added to the proposed change in zoning application as a result of circulation comments received.

The subject lands contain an existing single detached dwelling and frame garage, which are both intended to be removed once the subject lands are developed. The future development of the subject lands is subject to site plan control.
Details of Submitted Application

Owner/Applicant: Frendel Kitchens Ltd., Antun Deltin, Owner

Location: 1809 Rymal Road East, Stoney Creek

Description:
- Frontage: 105.61 metres
- Depth: 361.17 metres (west), 378.16 metres (east)
- Lot Area: 3.893 hectares

EXISTING LAND USE AND ZONING:

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<thead>
<tr>
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<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td>Subject Lands</td>
<td>Single detached dwelling</td>
<td>Neighbourhood Development &quot;ND&quot; Zone</td>
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<tr>
<td>Surrounding Lands</td>
<td></td>
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<tr>
<td>North</td>
<td>Vacant lands</td>
<td>Neighbourhood Development &quot;ND&quot; Zone</td>
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<tr>
<td>South</td>
<td>Single detached dwellings</td>
<td>General Agricultural &quot;A1&quot; Zone</td>
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<tr>
<td>East</td>
<td>Single detached dwellings</td>
<td>Single Residential &quot;R1&quot; Zone</td>
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<tr>
<td>West</td>
<td>Single detached dwellings</td>
<td>Agricultural &quot;AA&quot; District</td>
</tr>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   
   (i) It is consistent with the Provincial Policy Statement and it conforms to the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan.

   (ii) The addition of the proposed uses to the Service Commercial "CS" Zone are considered to be compatible with the existing and future land uses in the immediate area.

2. This application was amended to include additional uses other than uses just related to kitchens. The amended application was circulated to commenting agencies, departments and the public. As a result of this re-circulation, no new issues were identified.
3. During the circulation of this application, it was determined that an archaeological study is required to be completed prior to the development of the subject lands since they are located within 175 metres of a tributary of the Red Hill Creek. Staff is recommending the subject lands be placed in an ‘H’ Holding Zone until such time as an archaeological study is completed to the satisfaction of the Ministry of Culture and the City. Staff has discussed this with the applicant and they have agreed with the placing of the Holding ‘H’ symbol on the subject lands.

4. Environmental Assessments are currently being completed for the Rymal Road Planning Area (ROPA 9) and the North Glanbrook Industrial Business Park (Transportation Master Plan). These studies are investigating options for the extension of Trinity Church Road from Rymal Road to the Lincoln Alexander Parkway; realignment of Trinity Church Road/Rymal Road intersection; potential widening of Rymal Road between Centennial Parkway and Trinity Church Road; and, improvements and alterations to Trinity Church Road, south of Rymal Road within the Glanbrook Industrial Business Park. Based upon the outcomes of these studies, road widenings for Trinity Church Road and Rymal Road may be required to be taken from the subject lands. These potential widenings will be addressed at the site plan control stage of development for the subject lands.

**ALTERNATIVES FOR CONSIDERATION:**

Under the existing Neighbourhood Development “ND” Zone, the only use permitted on the subject lands are those that exist at the date of the passage of the Zoning By-law (i.e. a single detached dwelling and accessory buildings). Therefore, should this application be denied, the use of the subject lands would be limited to what currently exists.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial – N/A.

Staffing – N/A.

Legal – As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in Zoning.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the principles and policies of the PPS.
Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Therefore, as the nature of the application is for a change to the existing zoning to allow for additional commercial uses, the proposal conforms to the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan

The subject lands are designated “Service Commercial” on Schedule “A”, General Land Use Plan and on Schedule “A3”, Secondary Plan, West Mountain Planning District, Heritage Green Section.

This designation permits home improvement uses such as plumbing supplies, carpet and tile outlets, specialized furniture, lighting fixtures, paints and wallpaper stores, and similar uses which require extensive showroom areas. Uses incidental and subordinate to the above-mentioned uses are permitted, provided they are located in the same building from which the principal use is operated.

The proposed uses are considered to be permitted in the range of uses described above and, therefore, this application conforms to the Official Plan.

**RELEVANT CONSULTATION:**

**Agencies/Departments Having No Objection**

- Budgets, Taxation and Policy Services, Corporate Services Department.
- Traffic Engineering and Operations Section, Public Works Department.
- Parking Planning.
- Forestry Section, Public Works Department.
- Open Space Development and Park Planning Section, Public Works Department.
- Capital Planning and Implementation Section, Public Works Department.
- Culture and Recreation Division, Public Health and Community Services Department.
- Hamilton Conservation Authority.

**Public Consultation**

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to seventeen property owners within 120 metres of the subject lands when it was originally received and when the application was amended. Staff did not receive any correspondence from either pre-circulation. In addition, a Public Notice sign was placed on the subject lands.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
A sustainable transportation network provides many options for people and goods movement; vehicle-dependency is reduced.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines? ☑ ☐ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

: PAM
Attachs. (2)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 1809 Rymal Road East

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Stoney Creek” and is the successor to the former Regional Municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report of the Planning and Economic Development Committee at its meeting held on the day of  , 2006, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Map No. 15 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”, from
the Neighbourhood Development “ND" Zone to the Service Commercial (Holding) “CS-1(H)” Zone.

2. That Section 8.4, Service Commercial “CS" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Section as follows:

“8.4.4 Special Exemptions”

That Section 8.4.4, “Special Exemptions”, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision “CS-1(H)”, to include the following:

“CS-1(H) 1809 Rymal Road East, Schedule “A”, Map No. 15

In addition to the uses permitted in Section 8.4.2 of the Service Commercial “CS" Zone, on those lands zoned “CS-1(H)” by this By-law, the following additional uses shall be permitted:

- showroom, warehouse and retail area for kitchens and kitchen related products and accessories;
- paint store;
- appliance store;
- carpet and floor finishes store;
- electronics store;
- commercial entertainment centre including such uses as an arcade, bowling, laser tag and mini-putt, all and only within an enclosed building; and,
- dance studio.

The Holding ‘H’ Symbol may be removed on those lands zoned “CS-1(H)” by way of an amendment to the Zoning By-law at such time as an archaeological assessment has been completed and mitigation, through preservation or resource removal and documentation of any adverse impacts to any significant archaeological resources found, to the satisfaction of the Director of Development and Real Estate, and the Ministry of Culture.”

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Service Commercial “CS" Zone provisions, subject to the special requirement referred to in Section 2.

4. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.
PASSED and ENACTED this day of , 2006.

MAYOR

CLERK

ZAC-05-64
Appendix "B" to Report No. PED06006
Page 4 of 4

Schedule "A"

Map Forming Part of By-Law No. 06-

to Amend By-Law No. 3692-92

Subject Property
1809 Rymal Road

Block 1 - Change from the Neighbourhood Development "ND" Zone to the Service Commercial Hosting "CS-1(H)" Zone

Planning and Economic Development Department

Hamilton

Scale: Not to Scale

File Name/Number: ZAC-05-64

Date: September 1, 2005

Planner/Technician: PM/FC

This is Schedule "A" to By-Law No. 06—

Passed the ... day of ... , 2006

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Clark

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Mayor